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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

13 ALBERT F. BROWN,
14 Plaintiff,
15 v.
16 ANDREW SAUL,
17 Commissioner of Social Security,
18 Defendant.
) CIVIL NO. 1:20-CV-00019-DAD-SKO
)
) STIPULATION FOR THE AWARD AND
) PAYMENT OF ATTORNEY FEES AND
) EXPENSES PURSUANT TO THE EQUAL
) ACCESS TO JUSTICE ACT, 28 U.S.C. §
) 2412(d), AND COSTS PURSUANT TO
) 28 U.S.C. § 1920; ORDER
)
) (Doc. 15)

IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, subject to the approval of the Court, that Albert F. Brown (Plaintiff) be awarded
attorney fees and expenses in the amount of six thousand dollars (\$6,000.00) under the Equal
Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$400 in costs. This amount represents
compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Plaintiff's counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Chermol & Fishman, LLC, 11450 Bustleton Avenue, Philadelphia, PA 19116.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel including David F. Chermol, Esq., Chermol & Fishman, LLC, Helen R. Zane, Esq., and Law Offices of Helen R. Zane may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted this 13th day of October 2020.

Dated: October 13, 2020

By: /s/ David F. Chermol*
CHERMOL & FISHMAN, LLC
Attorney for Plaintiff
*Authorized via e-mail

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2 Dated: October 13, 2020

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5 McGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

6 By: /s/ Daniel P. Talbert
DANIEL P. TALBERT
7 Special Assistant United States Attorney
8
9 Attorneys for Defendant

10 **ORDER**

11 Based upon the parties' above "Stipulation for the Award and Payment of Attorney Fees
12 and Expenses Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), and
13 Costs Pursuant to 28 U.S.C. § 1920" (the "Stipulation") (Doc. 15), IT IS ORDERED that
14 attorney's fees in the amount of SIX THOUSAND DOLLARS AND 00/100 (\$6,000.00), as
15 authorized under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the
16 amount of FOUR HUNDRED DOLLARS AND 00/100 (\$400.00), as authorized by 20 U.S.C. §
17 1920, be awarded subject to the terms of the Stipulation.

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19 IT IS SO ORDERED.

20 Dated: October 15, 2020

21 /s/ Sheila K. Oberlo
22 UNITED STATES MAGISTRATE JUDGE
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